

MINUTES
Crested Butte Town Council
Regular Meeting
Crested Butte Town Hall
Monday, March 20, 2006

Mayor Alan Bernholtz called the meeting to order at 7:05 p.m. Council members present: Ron Chlipala, Margot Levy, Skip Berkshire, Bill Coburn, Leah Williams and Billy Rankin. Staff present: Town Manager Frank Bell, Town Attorney Laura Magner, Town Clerk Eileen Hughes, Town Planner John Hess, Finance Director Lois Rozman (for part of meeting), Public Works Director Bob Gillie.

Approval of the minutes of the March 6, 2006 regular council meeting.

Approval of the minutes of the March 13, 2006 regular council meeting.

Coburn moved and Chlipala seconded to approve the minutes of the March 6, 2006 regular council meeting as submitted and the minutes of the March 13, 2006 special council meeting with correction of date in heading to 2006. Roll call vote taken with all present voting yes. (Rankin temporarily absent) **Motion passed unanimously.**

1. PUBLIC COMMENTS

Reverend Kelly Joe Clark spoke in support of the development of a future indoor ice rink and recreation facilities. She said the project will be a beneficial gathering place for the community and a good place for local youth.

2. STAFF REPORTS

Hess:

- Reminded council of the Standard Mine Advisory Group meeting on March 29, 2006 at 2 p.m. in the council chambers.
- The Gunnison County Planning Commission will hold a public hearing on May 5, 2006 on the preliminary plan for the Larkspur Subdivision. The Crested Butte Area Plan subcommittee will review the plan with Hess.

Rozman:

- Noted her memo to council dated March 17, 2006 regarding the Joint Government Economic meeting she attended on March 16, 2006.

3. PUBLIC HEARINGS

A) Ordinance No. 7, Series 2006- An Ordinance Amending the 1987 Crested Butte Municipal Code Regarding Parking on Elk Avenue During Times In Which the Winter Parking Rules Are In Effect.

Coburn and Chlipala spoke against the ordinance. Coburn noted memo dated March 20, 2006 from the Mountain Express Board of Directors with recommendations for addressing safety concerns by clearing the snow banks and improving snow removal and street maintenance.

Bernholtz, Williams, and Rankin voiced support for the ordinance. Council members in support of the ordinance indicated that people they spoke to favored a more pedestrian atmosphere and were opposed to winter parking on the north side of Elk (between 3rd and 4th streets).

In response to a question from council, Public Works director Bob Gillie said plowing Elk Avenue to pavement would require additional personnel; the Town would likely have to use chemicals on the street; and the Town would still not have the ability to plow in the middle of the day. Gillie said removing snow banks would also increase costs.

Williams said she supported the ordinance as long as Town staff looked into the cost of keeping more parking spots open at the Town lot behind the Crested Butte Mountain Heritage Museum and at the public parking lot at the Fire Hall. Levy indicated that signage should be improved and more parking should be opened up in other areas.

Public Comments: Mountain Express Transit Manager, Chris Larsen, said scraping Elk Ave. to pavement and removing snow banks would improve safety.

Local business owner, Davin Sjoberg, spoke against the ordinance and presented the council a petition with 216 signatures requesting alternative measures, rather than eliminating winter parking on the north side of Elk Avenue (between 3rd and 4th street). Sjoberg said eliminating parking on the north side of Elk Ave between 3rd and 4th streets would have a detrimental effect on businesses. Sjoberg urged the council to postpone approval of the ordinance while other options are explored, including the possibility of local business owners helping to pay for improved winter maintenance of Elk Ave.

Crested Butte business owners, Lee Dickelman, Roger Cesario, Noel Adam, David Leinsdorf and Brad Holleran spoke in opposition to the ordinance. Ann Ronai, who resides in Meridian Lake Meadows, also commented against the ordinance. Gary Garland said he was neutral regarding the ordinance but if parking is eliminated on the north side of Elk Avenue (between 3rd and 4th streets) the area should not be designated as a commercial loading zone.

Levy moved and Rankin seconded to approve Ordinance No. 7, Series 2006. Roll call vote taken with Berkshire, Bernholtz, Levy, Rankin and Williams voting “Yes” and Coburn and Chlipala voting “No.” **Motion passed 5-2.**

4. NEW BUSINESS

A) Debra Sporcich- Request for Compensation for Damages Incurred as a Result of Town Water Main Break.

Bell explained that several property owners affected by the Town water main break on January 9, 2006 have been working with the Town’s insurer, which has denied liability. Bell noted that claimant Debra Sporcich was present to address the council and at some point it may be appropriate for council to go into executive session.

Sporcich’s attorney David Leinsdorf was also present. Sporcich presented council with several pages of documentation titled “Record of Events of Flood at

707 Bellevue.” The paper work details events of a water leak in the alley, the subsequent break of the town water main, calls made to town staff, expenditures for flood damages at Sporcich’s residence and photo documentation.

Sporcich verbally reviewed information contained in the documentation and asked the Town for immediate restitution in the amount of \$24,221.56 . Sporcich said she, and neighbors in attendance at the meeting, want assurance from the Town that pipes will not break again.

Jane Berglund, who lives across the alley from Sporcich, asked council if they planned to discuss the town infrastructure (water pipes) at a future meeting. Council indicated the topic may be discussed at future meeting. Haden Spencer said she supported Sporcich’s request for compensation. Additionally, she said council needs to review Town infrastructure as well as staff policy on how calls (regarding leaking pipes) are handled. Dave Penney said he heard rumors the water main may have frozen but did not have any loss of water at his residence. Janae Pritchett, who lives across the alley from Sporcich, said her home sustained damages from the flooding and she left messages at Town Hall but did not hear back from anyone.

David Leinsdorf requested that Sporcich’s claim be scheduled for the council’s April 3, 2006 meeting as unfinished business. Bernholtz said it would be beneficial for staff to report on deficiencies in the Town infrastructure.

Chlipala moved and Williams seconded to add this item to Executive Session to be held later in the meeting. The purpose is to receive specific legal advice from the Town Attorney regarding damage claim from Debra Sporcich. Roll call vote taken with all voting yes. **Motion passed unanimously.**

Council took a quick break from 8:40 to 8:46 p.m.

B) Approval to Direct Staff to Generate an RFP in an Initial Amount Not to Exceed \$30,000 (Along with an Equal Amount in Privately Matched Funds) for Preliminary Facility Design for the Proposed Indoor Ice and Recreation Facility Located on the Community Campus. Bell said he would provide a draft Request for Proposal (RFP) regarding the preliminary design for the proposed indoor ice rink and recreation facility and bring it back to council for consideration. Bell said he expects to have the draft by the April 17, 2006 council meeting. Bernholtz commented that council, at the appropriate time, wants to see a business plan for the operation of the facility.

Coburn moved and Williams seconded to direct staff to generate an RFP in an initial amount not to exceed \$30,000, along with an equal amount in privately matched funds, for preliminary design for the proposed indoor ice and recreation facility to be located on the community campus. Roll call vote taken with all voting yes. **Motion passed unanimously.**

C) Approval to Direct Staff to Begin a Cost Analysis for Infrastructure Development (Roads, Utilities, Site Prep., Engineering etc.) for the Proposed Indoor Ice and Recreation Facility Located on the Community Campus.
Council briefly discussed the topic. Several council members said alternative routing to the site should be explored. Public Works Director Bob Gillie explained there are limitations on the property regarding alternative routes.

Berkshire moved and Coburn seconded to direct staff to begin a cost analysis for infrastructure development for the proposed indoor ice rink and recreation facility located on the Community Campus and to explore options for alternative routes to the property by the April 17, 2006 council meeting. Roll call vote taken with all voting yes. **Motion passed unanimously.**

D) Scheduling Appeal of Board of Zoning and Architectural Review Decision Regarding Project Located at 214 Maroon Avenue – Proposed Public Hearing Date of Monday, April 3, 2006.

Coburn moved and Levy seconded to an schedule appeal of a Board of Zoning and Architectural Review decision regarding project at 214 Maroon Avenue for April 3, 2006 regular council meeting. Roll call vote taken with all voting yes. **Motion passed unanimously.**

E) Request for Easement from Developer of Larkspur Subdivision off of Brush Creek Road.
Larkspur Subdivision developer Gary Garland was present and showed council the location of the easement on a map. Bernholtz noted that Gunnison County, Crested Butte Mountain Resort and Mt. Crested Butte have already approved the easement.
Garland said he was seeking the Town's endorsement of the easement and he planned to comply with conditions of the easement stipulated by Gunnison County. Garland indicated that Gunnison County will take the lead on the easement and that a document will be drafted for the Town's approval.

Berkshire moved and Coburn seconded to approve easement for Larkspur Subdivision subject to conditions of Gunnison County and Town staff. Roll call vote taken with all voting yes. **Motion passed unanimously.**

F) Update Sixth Street Project Schedule

Gillie updated council regarding the 6th Street Project as noted in his memo to council dated March 14, 2006. Gillie recommended that the majority of the project between Sopris and Maroon Avenues be delayed until the summer of 2007. Gillie also explained that he would like to move forward with the realignment of the north end of Sixth Street this summer (2006). Council indicated support for Gillie's plans as outlined in his memo.
Bell said he was reluctant to spend any funds earmarked for the 6th Street project on other projects.

G) Clarification and Formal Appointment of Representatives to the Board of the Gunnison County Housing Authority.

Bell noted that Leah Williams volunteered for a four-year appointment to the Gunnison County Housing Authority Administrative Board at the Council's retreat in December 2005. Bell said Neil Windsor would like to serve as an alternate on the GCHA Administrative Board.

Council directed staff to advertise in the newspaper for the 2- year seat on the board and to try to recruit someone from the Paradise Park Subdivision for the position. Council also directed staff to schedule the 2-year appointment for the April 17, 2006 meeting.

Levy moved and Coburn seconded to appoint Leah Williams to a 4-year term on the Gunnison County Housing Authority Administrative Board and Neil Windsor to a 2-year term as an alternative on the Gunnison County Housing Authority Administrative Board. Roll call vote taken with all voting yes. **Motion passed unanimously.**

H) Proclamation to the Community of Aspen from the Participants of the Grand Traverse.

Bernholtz read the Mayoral Proclamation and council voiced support for the Proclamation.

I) Letter Concerning Potential Sale of Federal Lands

Bell noted letter dated March 20, 2006 to the U.S. Department of Agriculture, Forest Service regarding Secure Rural Lands Initiative. Council voiced support for the letter and directed Mayor Bernholtz to sign the letter.

5. **EXECUTIVE SESSION**

Levy moved and Chlipala seconded to go into executive session to discuss the purchase, acquisition, lease, transfer, or sale of real, personal, or other property interest under C.R.S. Section 24-6-402 (4) (a). And for a conference with the Town Attorney for the purpose of receiving legal advise on specific legal questions under C.R.S. Section 24-6-402 (4) (e). Roll call vote taken with all voting yes. **Motion passed unanimously.**

Council went into Executive Session at 9:27 p.m. and returned from Executive Session at 10:42 p.m.

6. **LEGAL MATTERS** –None

7. **COUNCIL REPORTS AND COMMITTEE UPDATES**

Levy:

The Crested Butte Area Plan (CBAP) Subcommittee met with the Board of County Commissioners regarding the draft CBAP. Levy noted the Subcommittee has completed its review and is almost ready to recommend that the Town of Crested Butte Planning Commission adopt the CBAP, but will forward the plan to Mt. Crested Butte first.

Williams:

The Crested Butte/Mt. Crested Butte Chamber of Commerce has hired Christie Matthews as the new Executive Director. She will start in early April.

Bernholtz:

Recently attended a Colorado Association of Ski Towns (CAST) meeting. He reported that skier visits in Colorado are at a record high. Due to the late hour council asked Bernholtz to report further on the CAST meeting at the April 3, 2006 council meeting.

Bernholtz asked council to consider scheduling a mini-retreat during the off-season. He directed staff to put the item on the agenda for the April 3, 2006 council meeting.

Coburn:

Reported the Mt. Express Board would like three items on the agenda at upcoming council meeting:

- 1) Discussion of the new Mt. Express facility in 2007 and how the new facility will encompass the future location of Crested Butte Search and Rescue.
- 2) The 2nd and Elk Ave Bus stop and how to make it safer.
- 3) Discussion regarding circulator bus or dial-a-ride.

Chlipala:

Reported Mt. Express is considering bus service from Gunnison starting in 2008 and needs to consider bus stops along Highway 135.

Williams:

Attended a recent Center for the Arts meeting. Concern was expressed about the possibility of a parking lot displacing the outdoor stage in the future.

8. **OTHER BUSINESS TO COME BEFORE THE COUNCIL**

Council directed the Town Attorney and staff to meet with attorney David Leinsdorf to discuss Council's suggested course of action for resolution of Debra Sporcich's request for compensation for damages at 707 Bellevue Avenue (incurred as result of Town water main break).

Bernholtz adjourned the meeting at 10:56 p.m. by unanimous consent

Alan Bernholtz, Mayor

Eileen Hughes, Town Clerk

